

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1772

Introduced by Senator ~~Morrow~~ Ashburn

February 24, 2006

An act to amend Sections 111115 and 111170 of the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1772, as amended, ~~Morrow~~ Ashburn. Public health: vended water.

Existing law, the Sherman Food, Drug, and Cosmetic Law, includes provisions relating to bottled and vended water. A violation of this law, or the regulations adopted there under.

Existing law requires the State Department of Health Services to require that each water-vending machine, retail water treatment plant, water hauler vehicle and facility, and private water source be maintained in a clean and sanitary condition at all times.

This bill would ~~additionally require the department to conduct random annual inspections of water-vending machines based on the number of machines owned and operated by each individual water-vending machine operator, as specified. The bill would~~ require water-vending machine operators, when required by the department, to cure any inspection related violation of applicable state health and safety laws.

Existing law imposes various requirements with regard to the labeling and advertising of bottled water and vended water, as provided. Existing law requires water-vending machines, retail water facilities, and private water sources that sell water at retail to display in a position clearly visible to customer specified information,

including, among other things, a telephone number that may be called for further information, service, or complaints.

This bill would require that the telephone number be toll-free.

By imposing additional duties upon operators of water-vending machines, retail water facilities, and private water sources, thus creating an additional crime, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111115 of the Health and Safety Code
2 is amended to read:

3 111115. (a) The department shall require that each
4 water-vending machine, retail water treatment plant, water hauler
5 vehicle and facility, and private water source be maintained in a
6 clean and sanitary condition at all times.

7 ~~(b) The department shall also do all of the following:~~

8 ~~(1) Conduct random annual inspections of water-vending~~
9 ~~machines based on the number of machines owned and operated~~
10 ~~by each individual water-vending machine operator. These~~
11 ~~random annual inspections shall consist of visual inspections and~~
12 ~~the collection of water samples.~~

13 ~~(2)~~

14 (b) When required by the department, a water-vending
15 machine operator shall cure any inspection-related violation of
16 applicable health and safety laws.

17 SEC. 2. Section 111170 of the Health and Safety Code is
18 amended to read:

19 111170. (a) Labeling and advertising of bottled water and
20 vended water shall conform with this section, Chapter 4
21 (commencing with Section 110290), and applicable portions of
22 Part 101 of Title 21 of the Code of Federal Regulations.

1 (b) Each container of bottled water sold in this state, each
2 water-vending machine, and each container provided by retail
3 water facilities located in this state shall be clearly labeled in an
4 easily readable format. Retail water facilities that do not provide
5 labeled containers shall post, in a location readily visible to
6 consumers, a sign conveying required label information.

7 (c) Water-vending machines, retail water facilities, and private
8 water sources that sell water at retail shall display in a position
9 clearly visible to customers the following information:

10 (1) The name and address of the operator.

11 (2) The fact that the water is obtained from an approved public
12 water supply or licensed private water source.

13 (3) A statement describing the treatment process used.

14 (4) If no treatment process is utilized, a statement to that
15 effect.

16 (5) A toll-free telephone number that may be called for further
17 information, service, or complaints.

18 (d) Bottled water may be labeled “drinking water,”
19 notwithstanding the source or characteristics of the water, only if
20 it is processed pursuant to the Food and Drug Administration
21 Good Manufacturing Practices contained in Section 165.110 and
22 Parts 110 and 129 of Title 21 of the Code of Federal Regulations,
23 Sections 12235 to 12285, inclusive, of Title 17 of the California
24 Code of Regulations, and any other requirements established by
25 the department pursuant to Sections 111145, 111150, and
26 111155. Any vended water and any water from a retail water
27 facility may be labeled “drinking water,” notwithstanding the
28 source or characteristics of the water, only if it is processed
29 pursuant to Article 10 (commencing with Section 114200) of
30 Chapter 4 of Part 7 and any other requirements established by the
31 department pursuant to Sections 111145, 111150, and 111155.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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